child welfare work, seggregation, ear-marking of certain areas for residential purposes alone, etc. Those are provisions contained in the Madras Public Health Act and it was thought advisable in the interests of the future development of Cochin that we should have such provisions here. I think that Hon'ble Members will not object to the passage of this Bill at this stage. We can try to remedy defects, if any, at the Select Committee Stage.

Mr. T. S. Ramachandra Ayyar *(Chittur-Tattamangalam):* Will you kindly give this House the benefit of your views both as Advocate-General and as one who has been for a long time the Chairman of the premier municipality in the State on the objection that power is sought to be vested in the Director of Public Health over and above the powers that he has already got at present as per the Municipal Act, for example, the powers sought to be vested under sections 6, 7, 8, 9, 10, 11 and 12 of this Bill. The objection raised is that though these sections seek to vest him with powers as to enable him to coordinate the Public Health administration of all the Municipalities the cumulative effect of all these powers is to form pin pricks to the day to day administration of the municipalities so also on the principle involved in giving an executive officer of the Government such over-riding powers in matters which affect the rights of municipalities intimately, I invite you to give us your views.

Mr.M.Sivarama Menon *(Advocate-General):* Now, I may say that at the time this Bill was drafted I kept in mind the fact that I was Chairman of the Municipality for about eleven years. Under section 4 (2) you will find that "Government may, from time to time, define the powers to be exercised, and the duties to be performed by the Director of Public Health or any member of his staff for the purpose of sub-section (1)." Limitations can, wherever necessary, be imposed upon the powers of the Director of Public Health under this section. You can rightly expect that consistently with the interests of the Public Health of the State, I shall be endeavouring to press the powers that are now enjoyed by the Municipalities in matters relating to Public Health. The allocation of a certain percentage of the revenues for expenses for maintenance of Public Health will be very necessary as in the case of the provision for drainage in the Municipal Act.

Mr. M. Nanu Menon *(Ernakulam):* Sir, the Advocate-General has misunderstood my point. I never objected to the percentage. I objected to the authority asking the Municipality to provide so much percentage. It is the Municipality's interest to look after the welfare of the inhabitants of the town. But I object to the authority asking the Municipality to provide so much percentage of the fund.

Mr. M. Sivarama Menon *(Advocate-General):* It is by command of this House that you are doing it and not by the command of the Director of Public Health.

Motion put and carried

Secretary to the Legislative Council: The title of the Bill is "The Cochin Public Health Bill."

Mr. T. K. Nayar *(Minster for Rural Development):* Sir, I beg to move that the Cochin Public Health Bill be referred to a Select Committee consisting of the following members.—

Messrs. M. Nanu Menon, P. P. Devassi, Ephraim Ouseph, Mrs. Joshua, the Chief Medical Officer, the Advocate-General and the mover.

With a direction to report within two months.

Motion put and carried

Mr. T. S. Ramachandra Ayyar *(Chittur-Tattamangalam):* Sir, I move that all members representing urban areas.....

Mr. President: Order, order. The Hon'ble Member is too late if he wishes to refer to the last motion.

The Cochin Municipal Act (Amendment) Bill

Mr. M. Sivarama Menon *(Advocate-General):* Sir, I beg to move that the Cochin Municipal Act (Amendment) Bill be read in Council.

Mr. B. V. K. Menon *(Joint Secretary to Government):* I second it.

Mr. M. Sivarama Menon *(Advocate-General):* The purpose of this amendment is very simple. This House had decided that the system of introducing composite license for motor

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cars which have to ply in British Cochin, Mattancheri and Ernakulam should be issued and the Government of Madras have agreed with that proposition. The Municipalities of Ernakulam and Mattancheri and the Government of Cochin have also agreed. Now it has come to the notice of the Government that there is a great demand for the inclusion of motor cycles also within the class of vehicles that are to be so licensed. Therefore, this amendment is intended only to bring in motor cycles also within that category.

Mr. A. B. Salem *(Mattancheri):* What about rikshaws and cycles?

Mr. M. Sivarama Menon *(Advocate-General):* This is intended for cars plying in British Cochin, Mattancheri and Ernakulam. I don't think that rikshaws and cycles will travel all hese 12 miles.

Mr. A. B. Salem *(Mattancheri):* Is the Government aware that rikshaws are plying between Mattancheri and Ernakulam.

Mr. M. Sivarama Menon *(Advocate-General):* This is a tripartite arrangement. Composite licenses are issued to vehicles which have to go also to British Cochin.

Motion put and carried

Secretary to the Legislative Council: The title of the Bill is the "Municipal Act (Amendment) Bill.

Mr. M. Sivarama Menon *(Advocate-General):* I beg to request that the Hon'ble President be pleased to suspend S. O. 32.

Mr. President: Yes.

Mr. M. Sivarama Menon *(Advocate-General):* I beg to move that the Cochin Municipal Act (Amendment) Bill be taken up into consideration.

B. V. K. Menon *(Joint Secretary to Government):* I beg to second it.

Mr. A. B. Salem *(Mattancheri):* Sir, I want to table an amendment. If you take this Bill immediately for consideration it is not possible. I want to include rikshaws and cycles.

Mr. President: You have not given notice of any amendment. The Bill has been in your hands for some time.

Motion put and carried

Clause 2 put and carried

Title and preamble put and carried

Clause 1 put and carried

Mr. M. Sivarama Menon *(Advocate-General):* I beg to move that the Cochin Municipal Act (Amendment) Bill be taken up and finally passed tomorrow.

Mr. B. V. K. Menon *(Joint Secretary to Government):* I second it.

Motion put and carried

THE COCHIN VERUMPATTAMDARS ACT (AMENDMENT) BILL

Mr. M. Sivarama Menon *(Advocate-General):* Sir, I beg to move that the Cochin Verumpattamdars Act (Amendment) Bill be read in Council.

Mr. B. V. K. Menon *(Joint Secretary to Government):* I second it.

Mr. M. Sivarama Menon *(Advocate-General):* The purpose of this amending Bill has been clearly set out in the objects and reasons attached to the Bill. Even though my statement now will be a surplusage still by way of refreshing your minds at the time of the consideration of the provisions of this Amendment Bill I will just touch upon the salient features of this amending Bill. The first amendment is only to introduce the word "naduppattamdar" in clause (d) of section 2. The purpose of this is only to exempt naduppattams from the provisions relating to fixity of tenure granted by the Act. You know that under the Revenue Recovery Act the Diwan Peishkar or the Tahsildar has the right to place land on nadupattam. The Devaswam Rent Recovery Rules also contain such a provision.

Mr. K. M. Ibrahim *(Cranganur):* Is that practice followed now?

Mr. M. Sivarama Menon *(Advocate-General):* I think, it is being followed.

The purpose is that if a person commits default of payment of arrears due from him the land may be placed on naduppattam and the person who is prepared to take it will have to deposit the entire arrears. He will be allowed to be in possession of the property for a particular period. If at the expiry of that period the original tenant is able to find out the money and

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APPENDIX I

THE COCHIN MUNICIPAL ACT (AMENDMENT) BILL

Preamble.—Whereas it is necessary further to amend the Cochin Municipal Act, XVIII of 1113; it is hereby enacted as follows.—

1. *Short title and commencement.*—This Act may be called the Cochin Municipal (Amendment) Act of 11 and shall come into force at once.

2. *Amendment of section 93A.*—In section 93 A of the Cochin Municipal Act, XVIII of 1113—

(*a*) between the words "motor cars" and "on" the words "and motor cycles" shall be inserted;

(*b*) between the words "cars" and "ply" the words "and cycles" shall be inserted;

(*c*) in clause (1) for the word "cars" the words "motor cars and motor cycles" shall be substituted;

(*d*) in clause (2) after the words "motor cars" the words "and motor cycles" shall be added; and

(*e*) for the explanation, the following shall be substituted, namely.—

"*Explanation.*—"Motor cars" and "Motor cycles" in this section shall have the meanings assigned to them in the Cochin Motor Vehicles Act, VIII of 1116."

Statement of Objects and Reasons

Under section 93 A of the Cochin Municipal Act provision has been made for the issue of composite licenses only in respect of motor cars. It is considered necessary to extend the arrangement to motor cycles also. Hence the Bill.

APPENDIX II

THE COCHIN VERUMPATTAMDARS ACT (AMENDMENT) BILL

Preamble.—Whereas it is necessary further to amend the Cochin *Verumpattamdars* Act VIII of 1118 ; it is hereby enacted as follows.—

1. *Short title and commencement.*—This Act may be called the Cochin *Verumpattamdars* (Amendment) Act, of 11 and shall come into force at once.

2. *Amendment of section 2.*—In clause (*d*) of section 2 of the Cochin *Verumpattamdars* Act, VIII of 1118, hereinafter referred to as the Act, after the word "*Kudikidappukaran*" the words "or a *Naduppattamdar*" shall be and shall always be deemed to have been added.

3. *Amendment of section 3.*—For clause (*b*) of section 3 of the Act, the following shall be and shall always be deemed to have been substituted, namely,—

"(*b*) leases granted by Official Receivers or Receivers appointed by courts or by mortgagees or by any person holding under or deriving title from such Receivers or mortgagees";

4. *Amendment of section 5.*—To sub-section (1) of section 5 of the Act, the following proviso shall be and shall always be deemed to have been added, namely,—

"Provided that a *verumpattamdar* shall, where a portion of the land comprised in his holding is acquired under the provisions of the Cochin Land Acquisition Act, II of 1070, be entitled to an abatement in the rent in the same proportion as the yield from the portion acquired bears to the yield from the entire holding."

5. *Amendment of section 13.*—In section 13 of the Act, after the words "the provisions of this Act", the words "except interest, if any, thereon" shall be and shall always be deemed to have been added.

Objects and Reasons

The Cochin *Verumpattamdars* Act does not exclude leases granted by Official Receivers or Receivers appointed by Courts from its purview. The High Court has drawn the attention of Government to this lacuna.

2. The term "usufructuary mortgagee" as defined in section 59 (*d*) of the Transfer of Property Act does not include all mortgagees with possession of the mortgaged property derived under the terms of the mortgage. The mortgagor, on redemption of the mortgage, has to be given back possession of the property in cases where such possession was conveyed to him under

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